

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**OBJECTIONS TO SPECIAL MASTER
RULINGS ON APPLE INC.'S
PRODUCTIONS OF RE-REVIEWED
PRIVILEGED DOCUMENTS**

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (Dkt. 1092) (the "Protocol"), Apple respectfully submits the following Objections to certain of the Special Masters' privilege determinations issued on May 5, 2025, regarding Apple's production of re-reviewed and privileged documents. We are submitting these documents for *in-camera* review contemporaneously with this filing.

Apple's objections relate only to documents Apple believes are not already covered by Your Honor's and Judge Gonzalez Rogers' existing rulings on Apple's privilege assertions in this post-judgment discovery. As previously noted, *see* Dkt. 1109, Apple reserves all rights as to documents affected by those rulings, including any post-judgment appellate rights.

Entry No. 6600 (PRIV-APL-EG 00215290)

PRIV-APL-EG_00215290 is an email from a non-attorney Apple employee to several members of Apple’s in-house counsel team, discussing compliance efforts related to the DMA. The email reflects legal advice from in-house counsel, explicitly stating the legal team’s anticipated next steps. “[C]ommunications for the purpose of giving legal advice” regarding “compliance with relevant . . . regulations” are privileged, *Labbe v. Dometic Corp.*, 2023 WL 5672950, at *4 (E.D. Cal. Sept. 1, 2023), including communications by “nonlegal employees” that “discuss or transmit legal advice given by counsel.” *Dolby Lab ’ys Licensing Corp. v. Adobe Inc.*, 402 F. Supp. 3d 855, 866 (N.D. Cal. 2019). Because the employees are sharing legal strategy, the document is privileged.

Entry No. 6746 (PRIV-APL-EG 00216655)

PRIV-APL-EG_00216655 is an email thread between non-attorney Apple employees discussing compliance efforts with regulatory issues, including plans to request legal advice from counsel. The email is minimally redacted, with Apple only seeking to withhold the substance of a legal request directed to Sean Cameron, a member of Apple's in-house counsel team. *See Dolby Lab's Licensing Corp.*, 402 F. Supp. 3d at 866 (Attorney-client privilege attaches to "communications between nonlegal employees where: (1) the employees discuss or transmit legal advice given by counsel; and (2) an employee discusses her intent to seek legal advice about a particular issue"). Thus, the redacted text is privileged and should remain confidential.

DATED: May 9, 2025

WEIL, GOTSHAL & MANGES LLP

By: /s/ Mark A. Perry

Counsel for Defendant Apple Inc.